IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 351 of 2006 (S/B)

Girish Chandra Arya S/o Sri N.R. Arya,
Posted as Assistant Engineer,
Chief Engineer Office,
Public Works Department, Pauri. ……. Petitioner

Versus

1. Union of India through Secretary,
   Personal, Public Grievances and Pension,
   Lok Nayak Bhawan, IIIrd Floor,
   Khan Market, New Delhi.
2. Chairman, State Advisory Committee,
   New Delhi.
3. Member Secretary, State Advisory Committee,
   Uttaranchal, Dehradun.
4. Member Secretary, State Advisory Committee,
   7th Floor Janpath Building,
   Hazrat Ganj, Lucknow.
5. State of Uttaranchal,
   through Secretary (Karmik),
   Govt. of Uttaranchal, Dehradun
6. Secretary, Public Works Department,
   Govt. of Uttaranchal,
   Dehradun. …….Respondents

Mr. Gopal Narain, Advocate for the petitioner.
Ms. Anjali Bhargava, Addl. Standing Counsel for (Central Govt.) for respondents Nos. 1 & 2.
Mr. Nanak Chand Gupta, Standing Counsel for respondents Nos. 3, 5 & 6.
Ms. Beena Pandey, Standing Counsel (U. P. Govt.) for respondent No. 4.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. Gopal Narain, Advocate for the petitioner.

Ms. Anjali Bhargava, Addl. Standing Counsel (Central Govt.) for respondents Nos. 1 & 2.

Mr. Nanak Chand Gupta, Standing Counsel for respondents Nos. 3, 5 & 6.

Ms. Beena Pandey, Standing Counsel (U.P. Govt.) for respondents No. 4.

They are heard on admission.

2. Petitioner Girish Chandra Arya has filed this writ petition for the following reliefs:

> "I. Issue a writ order or direction in the nature of Certiorari quashing the government order dated 22.5.2003 (Annexure-9).
>
> II. Issue a writ order or direction in the nature of mandamus commanding and directing the respondents to make the adhoc promotions from combined seniority list, which was prepared prior to 9.11.2000.
>
> III. To pass such and order which this Hon'ble Court deem fit in the facts and circumstances of the case.
>
> IV. To award the cost against the respondents in favour of the petitioner."

3. Mr. Nanak Chand Gupta, the learned Standing Counsel for respondents Nos. 3, 5 & 6 has raised a preliminary objection about the maintainability of the writ petition on the ground that the petitioner has an alternative efficacious remedy of filing a petition before the Public Service Tribunal.

4. Mr. Gopal Narain, the learned counsel for the petitioner could not demonstrate as to how the reliefs sought by the petitioner in the writ petition cannot be granted by the Public Service Tribunal.

5. In view of the above and the judgment dated 22.09.2006 passed in **Writ Petition No. 630 of 2006 (S/S); Bhuvan Chandra Pandey & others Vs. State of Uttaranchal & others**, we decline to exercise our discretionary jurisdiction under Article 226 of the Constitution of India.

6. The writ petition, therefore, fails and is hereby dismissed summarily.

7. Consequently, CLMA No. 14428 of 2006 also stands dismissed.

(J.C.S. Rawat, J.) **(Rajeev Gupta, C.J.)**
29.11.2006 29.11.2006
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